

**Notice of Allowability**

Application No.

10/607,980

Examiner

Matthew J Kohner

Applicant(s)

YAMADA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Phone Interview of June 23, 2004.
2. ☒ The allowed claim(s) is/are 37-46.
3. ☒ The drawings filed on 31 October 2003 and 30 June 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 09/332,442.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 6/30/03; 9/30/03; 5/26/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Surinder Sacher on June 23, 2004.

The application has been amended as follows:

- Claim 37, line 15, delete "great," and insert "greater than a predetermined number,"
- Claim 37, line 16, delete "small," and insert "smaller than a predetermined number,"
- Claim 42, line 13, delete "great," and insert "greater than a predetermined number,"
- Claim 42, line 13, delete "small," and insert "smaller than a predetermined number,"

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

Applicant's independent claims 37 and 42 define over the prior art of record. The combination of limitations of these independent claims including:

- a plurality of trays movable up and down independently of each other;
- an upper tray retractable to a position above a paper outlet;

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- control means which uses number of paper stacked and sensors to control locating an upper tray or a lower tray at said paper outlet;

- lower limit position and lower limit position sensing means;

- stand-by position between said paper outlet and lower limit position and stand-by position sensing means

in combination with the other features of the claims is deemed novel and non-obvious in view of the prior art of record.

US Patent No. 5,284,339 to van Opstal et al. discloses at least two trays wherein one is retractable to a position above the paper outlet and further wherein the trays are independently movable. Additionally, van Opstal discloses a parking position for the trays which is at a lower limit for the bottom tray. Further, van Opstal discloses a plurality of sensors for controlling movement of the tray. However, van Opstal does not disclose a stand-by position between the paper outlet and the lower limit position at which the bottom tray is positioned by the control means when the number of papers stacked is smaller than a predetermined number.

US Patent No. 6,146,085 to Namba et al. discloses many of the features described above in the van Opstal reference including at least two trays wherein one is retractable to a position above the paper outlet and further wherein the trays are independently movable. Namba also discloses a variety of sensors for controlling the movement of the trays. However, like van Opstal, Namba does not disclose a stand-by position between the paper outlet and the lower limit position at which the bottom tray is positioned by the control means when the number of papers stacked is smaller than a predetermined number.

Therefore, claims 37-46 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Allowable Subject Matter***

Claims 37-46 are allowed.

***Conclusion***

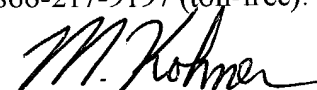
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 703-305-8496. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).




Matthew J. Kohner

Examiner

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mjk



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